

ASSEMBLY BILL

No. 1384

Introduced by Assembly Member Miller

February 27, 2009

An act to amend Section 4002 of the Penal Code, relating to jails.

LEGISLATIVE COUNSEL'S DIGEST

AB 1384, as introduced, Miller. Jails.

Existing law establishes various criteria for segregating and classifying prisoners in county jails for specified purposes.

This bill would make a technical, nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4002 of the Penal Code is amended to
2 read:
3 4002. (a) Persons committed on criminal process and detained
4 for trial, persons convicted and under sentence, and persons
5 committed upon civil process, shall not be kept or put in the same
6 room, nor shall male and female prisoners, except husband and
7 wife, sleep, dress or undress, bathe, or perform eliminatory
8 functions in the same room. However, persons committed on
9 criminal process and detained for trial may be kept or put in the
10 same room with persons convicted and under sentence for the
11 purpose of participating in supervised activities and for the purpose
12 of housing, provided, that the housing occurs as a result of a

1 classification procedure that is based upon objective criteria,
2 including consideration of criminal sophistication, seriousness of
3 crime charged, presence or absence of assaultive behavior, age,
4 and other criteria that will provide for the safety of the prisoners
5 and staff.

6 (b) Inmates who are held pending civil process under the
7 sexually violent predator laws shall be held in administrative
8 segregation. For purposes of this subdivision, administrative
9 segregation means separate and secure housing that does not
10 involve any deprivation of privileges other than what is necessary
11 to protect the inmates and staff. Consistent with Section 1610, to
12 the extent possible, the person shall continue in his or her course
13 of treatment, if any. An alleged sexually violent predator held
14 pending civil process may waive placement in secure housing by
15 petitioning the court for a waiver. In order to grant the waiver, the
16 court must find that the waiver is voluntary and intelligent, and
17 that granting the waiver would not interfere with any treatment
18 programming for the person requesting the waiver. A person
19 granted a waiver shall be placed with inmates charged with similar
20 offenses or with similar criminal histories, based on the objective
21 criteria set forth in subdivision (a).

22 (c) Nothing in this section shall be construed to impose any
23 requirement upon a county to confine male *prisoners* and female
24 prisoners in the same or an adjoining facility or impose any duty
25 upon a county to establish or maintain programs which involve
26 the joint participation of male and female prisoners.